

REMARKS

A. The Section 112 Rejections

The Applicants appreciate the Examiner's withdrawal of the rejections under 35 U.S.C. §112.

B. The Section 102 Rejections

Claims 1, 3-7, 9-15 and 17 were once again rejected under 35 U.S.C. §102(a) based on an article authored by Wei et al. (hereinafter "Wei"). Applicants disagree and traverse these rejections for at least the following reasons.

Each of the claims of the present invention includes the feature of, among other things, sending a connection setup message to a next node *at substantially the same time as a cross-connect is initiated*.

In contrast, Wei appears to send a SETUP message after a cross-connect is initiated (e.g., after a time period, t_p).

In the Final Office Action the Examiner appears to take the position that the time period, t_p , in Wei is unrelated to a cross-connect. Instead, the Examiner prefers the time period t_c . However, both t_p and t_c are related to cross-connects.

In Figure 4 of Wei, a cross-connection SETUP message is sent by a "source" and is received at a first intermediate node. After a time period t_p has elapsed, the SETUP message is sent from the first node to the next hop node where the process is repeated (i.e., t_p elapses before the SETUP message is forwarded onward). From Figure 4, the time period t_p is depicted as being a

part of the cross-connection setup process at each intermediate node between the source and destination node. Thus, it cannot be said that Wei discloses the sending of a connection setup message to a next node at substantially the same time as a cross-connect is initiated because Wei's SETUP messages are sent only after a time period t_p , associated with the cross-connection setup process, has elapsed.

The Examiner describes the time period t_p as a "protocol messaging processing time". This is indeed the name given to this time period by Wei. However, the processing that occurs during t_p is related to the cross-connection process. The fact that a cross-connect that is set up may be "cut-through" during a separate time period t_c that follows t_p does not detract from the fact that the cross-connect was initiated upon receipt of an initial SETUP message and processed during a time period t_p .

The Examiner also cites to pages 2023 and 2025 of Wei (see page 6 of Final Office Action). With respect to the text on these pages, the Examiner states that text on these pages demonstrates that "cross-connect *setup* is disclosed as happening in parallel with the next hop propagation". However, cross-connect setup includes much more than cross-connect initiation; the latter is the claimed invention, the former is Wei. Said another way, the fact that Wei may disclose the forwarding of a SETUP message sometime during the time when a cross-connect is being set up is not akin to the claimed inventions, where setup messages are sent substantially at the same time as a cross-connect is *initiated*. As the Examiner can appreciate, the difference in

time between a system that sends a SETUP message upon cross-connect initiation and one that waits at each node for a time period (e.g., t_p) to elapse may be substantial considering the distance between nodes or the number of nodes involved.

Further, Applicants again point out page 2029 to the Examiner. While pages 2023 and 2025 provide more of an overview of Wei's disclosed methods (and may thus be ambiguous), page 2029 appears to provide more specific information. On this page, Wei states that "the WDM switch [i.e., node] reserves the wavelength on the output port, proceeds to make the actual cross-connect by issuing a command to the fabric controller, and forward the SETUP message to the next hop." Thus, in the most specific explanation given by Wei it appears that a cross-connect is substantially completed before a set up message is forwarded onward.

Considering all of Wei's statements together, and presuming that each must be reconciled with the other (or else Wei is inconsistent), the Applicants respectfully submit that Wei discloses the sending of a SETUP message sometime after a cross-connect has been initiated, processed or made; not substantially at the same time a cross-connect is initiated.

Because Wei does not disclose each and every feature of claims 1, 3-5, 9-15 and 17 Wei cannot anticipate the subject matter of these claims under 35 U.S.C. §102(a). Accordingly, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 1, 3-7, 9-15 and 17.

C. The Section 103 Rejections

Claims 8 and 16 were once again rejected under 35 U.S.C. §103(a) as being unpatentable over Wei in view of an article by Qiao et al. ("Qiao"). Applicants respectfully disagree and traverse these rejections for at least the following reasons.

Claims 8 and 16 include the use of in-band signaling to initiate cross-connections. The Examiner's position notwithstanding, Wei appears to be directed solely at out-of-band signaling, not in-band signaling. Further, the excerpt from Wei referred to by the Examiner briefly mentions a generalized form of in-band signaling (not the claimed in-band signaling or anything suggestive of the claimed in-band signaling), a form that Wei does not make use of in any event. To overcome this deficiency in Wei, the Examiner relies on Qiao.

After reading Qiao, especially page 26, section 2, the Applicants do not find any mention of in-band signaling.

In more detail, though the Examiner acknowledges that Qiao does not use the terms "in-band signaling", the Examiner takes the position that Qiao nonetheless is directed at such signaling because its techniques involve "control information traveling along with the data" (page 7 of the Final Office Action). However, the text from page 26 of Qiao actually states that a "data burst follows the control packet after an offset time, T". Thus, the word "after" in the text relates to time, not the same channel.

Accordingly, Applicants respectfully submit that the subject matter of claims 8 and 16 is not rendered obvious by a combination of Wei and Qiao. For at least these reasons, Applicants respectfully request withdrawal of the pending rejections and allowance of claims 8 and 16.

D. Entry of this Request for Reconsideration

Entry of this Request for Reconsideration ("Request") is solicited because the Request: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues requiring further search and/or consideration; (c) does not present any additional claims without canceling the corresponding number of finally rejected claims; and (d) places the application in better form for appeal, if an appeal is necessary.

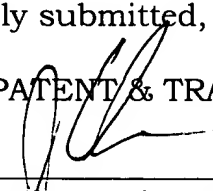
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By



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